



## PLANNING COMMISSION AGENDA

December 9, 2015, 7:00 p.m.  
Multipurpose Room/Council Chamber  
Burien City Hall, 400 SW 152<sup>nd</sup> Street  
Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on [www.burienmedia.org](http://www.burienmedia.org)

### 1. ROLL CALL

### 2. AGENDA CONFIRMATION

### 3. APPROVAL OF MINUTES

A. November 18, 2015

### 4. PUBLIC COMMENT

Public comment will be accepted on topics not scheduled for a public hearing.

### 5. OLD BUSINESS

A. Discussion and Recommendation regarding 2015 Zoning Code Amendments, Keeping of Animals and text corrections

### 6. NEW BUSINESS

None

### 7. PLANNING COMMISSION COMMUNICATIONS

### 8. DIRECTOR'S REPORT

### 9. ADJOURNMENT

### Future Agendas (Tentative)

December 23, 2015  
- Meeting Canceled

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### Planning Commissioners

Butch Henderson  
Joel Millar

Curtis Olsen (Chair)  
Amy Rosenfield (Vice-Chair)  
Brooks Stanfield

Jim Clingan  
Douglas Weber

*City of Burien*

BURIEN PLANNING COMMISSION  
November 18, 2015  
7:00 p.m.  
Multipurpose Room/Council Chambers  
MINUTES

*To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:*

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

**CALL TO ORDER**

Chair Curtis Olsen called the November 4, 2015, meeting of the Burien Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Present: Jim Clingan, Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield, Brooks Stanfield and Douglas Weber

Absent: None.

Administrative staff present: Chip Davis, Community Development Department director; Brandi Eyerly, planner

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Vice Chair Rosenfield, seconded by Commissioner Henderson to approve the agenda for the November 18, 2015, meeting. Motion passed 7-0.

**APPROVAL OF MINUTES**

**Direction/Action**

**Motion** was made by Commissioner Henderson, seconded by Commissioner Stanfield, and passed 7-0 to approve the minutes of the October 28, 2015, meeting.

**Motion** was made by Vice Chair Rosenfield, seconded by Commissioner Henderson, and passed 7-0 to approve the minutes of the November 4, 2015, meeting.

**PUBLIC COMMENT**

**Jim Solaegui**, 11219 25<sup>th</sup> Ave SW, spoke in favor of the proposed amendments to the zoning code regarding the keeping of animals. He said he thought the proposed amendments in tonight's meeting packet were right for the city.

**Steve Scheurich**, 11216 26<sup>th</sup> Ave SW, brought his Nigerian dwarf goat, Jane, to the podium. He said he thinks the size of pens required by the City of Seattle is far too small. He said he has about a quarter-acre lot and the goat pen is approximately 60 ft. by 40 ft. and the barn is about 15 ft. by 18 ft. He said most goats need the company of other goats; he admitted they will become vocal without a buddy or if a buddy is taken away. He would like to supply a companion for his goat, although she enjoys the company of people. He said at the previous Planning Commission meeting it seemed, starting out, that the goal was to allow

people in Burien to have goats but by the end of the meeting it seemed like that had changed to greater restrictions.

**Sarah Moore**, 12034 14<sup>th</sup> Ave S, Burien, said she was advocating for goats in Burien. She said she lives in the area annexed to Burien in 2010 and has three goats. Ms. Moore said there doesn't need to be special rules regarding goat behavior; general rules governing the behavior of all domestic animals are sufficient. She noted they can be vocal a couple of times a day when they see their food coming and the females can be vocal every month when they go into season, but she doesn't think they are any louder than dogs in her neighborhood. She finds them to be fairly low maintenance and don't need a great deal of space, she said.

**Jennie Grant**, 1122 Grand Ave., Seattle, said she is the author of "City Goats: The Goat Justice League's Guide to Backyard Goat Keeping," president of the Goat Justice League, and added that Time Magazine called her the "godmother of goat lovers." She lives on a 4,100 sq. ft. lot in Seattle's Madrona neighborhood and has a 400 square foot goat yard. She said her goat shed is vertical, with a roof-top deck, giving her goats opportunities to indulge in their love of climbing. She noted that goats eat hay and alfalfa pellets, which do not attract rats, and even when they eat a grain-based goat chow they eat it so quickly there is nothing left to attract rats. Ms. Grant said that because some plants, such as rhododendrons and laurel, are toxic to goats, goat owners are vigilant about keeping their goats from getting out of their pens unsupervised. When asked, she said the minimum space she would allot to two goats is 400 square feet with enrichments such as places to climb. She said there currently are 48 goats to Seattle's 500,000 people.

**Johanna Harshman**, 1234 SW 112<sup>th</sup> St, said she has two goats in White Center. She said goat owners are a community and will care for each other's animals when necessary. She said goats are so quiet and clean that for two years she didn't even know that her neighbors across the street had goats. Ms. Harshman said goat feces are considered a "cold" waste that can be applied directly to a garden and it will not burn the plants. She said there aren't a lot of diseases that will transmit from goats to humans.

**David Feinberg**, 12034 14<sup>th</sup> Ave S, said Ms. Moore failed to mention that she is the animal care manager at the Pacific Science Center, so he considers her an authority on animals. He reiterated that goats are herd animals and need to live with at least one other goat. He said his goats do not challenge their fences, so escaping is not a major issue. He said the major issue is people being good owners, which is something that can't be legislated. The goats, he said, don't present a problem; sometimes the owners do. Mr. Feinberg said lot size is not as much of a problem as the owners can be; goats can be happy in small spaces. Goats, he said, have a very long history with people and are similar to companion animals.

## **OLD BUSINESS**

### **A. Discussion of 2015 Zoning Code Amendments, Keeping of Animals**

Brandi Eyerly, planner, briefly reviewed the work done by the commission on the keeping of animals to date.

Vice Chair Rosenfield commented that after hearing the public comments tonight, she feels strongly that miniature goats need to be taken out of the livestock category and addressed separately, perhaps with more emphasis being placed on pen size rather than lot size. Commissioner Millar concurred.

Commissioner Clingan said his concern was that it might cause a dilemma for the city's code enforcement function. He urged proceeding with caution to avoid taking an action they might later regret. He said he disagrees with the minimum goat enclosure size in the City of Seattle's code. He said he would prefer to keep the pygmy goats classified as livestock, make a recommendation to the City Council on the smaller animals and re-evaluate the keeping of goats in 2-5 years.

Commissioner Weber said he'd like to see the pygmy goats taken out of the livestock category and that a conservative approach be taken with regard to size and location of goat pens and sheds. He said he believed the proposed 35,000 sq. ft. lot size minimum and 10,000 sq. ft. pen minimum are too large.

Commissioner Stanfield said he does not want to go to the extent that Seattle has on lot and pen sizes, but he does think the 35,000 and 10,000 are excessively large.

Steve Scheurich said there are many, many goat owners in Burien, many of whom are afraid to speak up because they would lose their goats if the 35,000 sq. ft. lot minimum is enacted. He said those who gave public comment tonight have stuck their necks out because they believe there needs to be a change.

David Feinberg said few people in Burien have lots of 35,000 sq. ft. or more. He said goats are part of the urban farming movement, where people are trying to live healthier and more sustainably. He disagreed that setbacks are necessary and urged the commissioners to be practical. He also said he doesn't see much of a difference between miniature goats and dairy goats and asked that the term used in the code be "dairy goat." Someone in the audience suggested taking out the term "miniature goat" and replace it with a size limitation.

Commissioner Millar agreed that classifying goats by size rather than type would be easier for a code enforcement officer to enforce.

Commissioner Stanfield suggested one paragraph under the Small Animals section of the code, specifying weight and neutered males, would address most of the concerns.

The commissioners agreed to continue discussing miniature goats at the next meeting.

## **NEW BUSINESS**

None.

## **PLANNING COMMISSION COMMUNICATIONS**

None.

## **DIRECTOR'S REPORT**

Mr. Davis told the commissioners that they will be working on significant tree retention, the sign code, and the subdivision code in the new year.

## **ADJOURNMENT**

### **Direction/Action**

Commissioner Stanfield moved for adjournment; Commissioner Millar seconded. Motion carried unanimously. The meeting adjourned at 8:58 p.m.

**APPROVED:** \_\_\_\_\_

\_\_\_\_\_  
Curtis Olsen, chair  
Planning Commission

**CITY OF BURien, WASHINGTON**  
**MEMORANDUM**

**DATE:** December 2, 2015  
**TO:** Planning Commission  
**FROM:** Brandi Eyerly, AICP, Planner  
**SUBJECT:** Discussion and Recommendation on Proposed Amendments to BMC 19.17.100 Keeping of Animals.

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**PURPOSE/REQUIRED ACTION:**

The purpose of this agenda item is for the Planning Commission to make a final recommendation to the City Council regarding the proposed amendments to BMC 19.17.100 Keeping of Animals.

**BACKGROUND:**

At the Commission's October 28, 2015 meeting, staff introduced draft code language for the BMC 19.17.100 Keeping of Animals".

A Public Hearing was conducted on November 4, 2015 for the proposed amendments. Public testimony was received during the Public Hearing, one in person and three (3) in writing, concerning the keeping of miniature goats.

Discussion continued through the November 18, 2015 meeting, where the Planning Commission added a section for the keeping of miniature goats and updated the livestock section.

**DISCUSSION**

Attached are the proposed amendments for keeping of animals section of BMC Title 19 Zoning Code for the Planning Commission's recommendation to City Council. New to the amendments are the additions of "miniature goats" to BMC 19.10.026 Definitions, "Animal, small" and "full size goat" to BMC 19.10.312 Definitions "Livestock".

Each proposed amendment is consistent with criteria for zoning code amendments in BMC 19.65.100. They have been reviewed for consistency with the Comprehensive Plan; bear a substantial relation to the public health, safety, or welfare, and are in the best interest of the community as a whole.

**PLANNING COMMISSION ACTION**

A. Following discussion on the amendments, the Planning Commission should make its recommendation motion to the City Council. For a list of the individual proposed amendments refer to Attachment 4 "Proposed Amendments List." One motion may be made for all the amendments or separate motions may be made on individual amendments or a group of amendments. The options for a recommendation are:

- 1) Recommend the City Council approve the proposed amendments; or
- 2) Recommend the City Council deny the proposed amendments; or
- 3) Make modifications to the recommendation and outline the findings and conclusions in support of the modifications; or
- 4) Take no action and pass the request to the City Council without a recommendation. This would occur if there are tie votes on separate motions for approval and denial.

B. Staff suggests the following steps and motion language,

- 1) Make the motion

Approve: I move the Planning Commission recommend to the City Council approval of the proposed 2015 Zoning Code Amendments for BMC 19. 17.100 Keeping of Animals, BMC 9.105.400 Noise, and BMC 19.10 Definitions as set forth in the December 9, 2015 “Proposed Amendments”.

Denial: I move the Planning Commission not recommend to the City Council approval of the 2015 Zoning Code Amendments for BMC 19. 17.100 Keeping of Animals, BMC 9.105.400 Noise and BMC 19.10 Definitions as set forth in the December 9, 2015 “Proposed Amendments”.

- 2) Discussion;
- 3) Call for the vote on the motion.

If you have any questions before the meeting, please contact Brandi Eyerly at (206) 248-5519 or by e-mail at [brandie@burienwa.gov](mailto:brandie@burienwa.gov) .

**ATTACHMENTS:**

1. BMC 19.17.100 Keeping of Animals with Planning staff comments
2. BMC 19.10.026 & 19.10.312 Definition Amendments
3. BMC 9.105.400 Noise with proposed amendments with Planning staff comment
4. December 9, 2015 Proposed Amendments

## BMC 19.17.100 Keeping of Animals

1. Purpose. The raising, keeping and breeding of animals are sources of enjoyment, recreation and learning for Burien residents. The purpose of this section is to establish regulations for the keeping of animals in residential areas that will enhance and preserve compatibility between neighboring properties, minimize nuisances and disturbances caused by animals, minimize the impact of *livestock* on the environment and prevent cruelty to animals.
2. Permitted accessory use. The raising, keeping and breeding of *small animals*, bees and *livestock* are allowed as an *accessory use* to residential uses in any zone or as an *accessory use* to any permitted *use* in a *residential zone*, subject to the regulations of this section and BMC Title 6, Animals.
3. Prohibited activities. Commercial *kennels* and catteries and fee boarding of *small animals* or *livestock* are not allowed unless specifically allowed in Chapter 19.15, Use Zone Charts. This prohibition does not apply to hobby *kennels* and catteries that comply with the requirements of this subsection and BMC Title 6, Animals.
4. Small animals. The maximum number of *small animals* are as follows, provided young of adult *small animals* on the premises under 3 months in age are excluded from the density limitations:
  - A. *Small animals* which are kept in a dwelling as household pets including those kept in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in BMC Title 6.
  - B. Other *small animals* kept outside, except those otherwise regulated by this subsection, shall be limited to three per household on *lots* of less than 20,000 square feet, five per household on *lots* of 20,000 square feet, with an additional one allowed per 5,000 square feet of *site* area over 20,000 square feet up to a maximum of 20.
  - C. The total number of unaltered adult cats and dogs per household shall not exceed three, whether those animals are kept in a dwelling or outside, unless approved under a hobby *kennel* or cattery license.
  - D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus). One of the small animals allowed under 19.17.100.4.B, may be a miniature potbelly pig, provided that it does not exceed 22 inches in height at the shoulder or more than 150 pounds in weight.
  - E. Miniature goats. The types of goats commonly known as Pygmy, Dwarf, and Miniature Goats. Up to two miniature goats may be kept in addition to the small animals allowed under 19.17.100.4B, on any lot provided
    - i. It does not exceed 24 inches at shoulder or more than 150 pounds in weight;
    - ii. Male miniature goats shall be neutered;
    - iii. A minimum of 800 square feet of outdoor space with a shelter enclosure shall be devoted for goat(s); and shall maintain a distance of not less than 10 feet to any property line;
    - iv. Nursing offspring of miniature goats may be kept until weaned, no longer than 12 weeks from birth.

*D. Defines miniature potbelly pig for zoning code interpretation and compliance.*

*E. Defines miniature goats for zoning code interpretation and compliance; establishes maximum number of miniature goats, size, and outdoor space and enclosure requirements.*

~~F.F.~~ Domestic fowl and Rabbits. Any combination of three (3) *domestic fowl* and rabbits, with the exception of roosters, may be kept on any *lot* in addition to the *small animals* permitted in the preceding subsections. ~~On lots of at least one-half acre, domestic fowl and rabbits may be kept at the rate of 7 per one-half acre. Five (5) on lots equal to or greater than 7,200 square feet, 1 additional domestic fowl or rabbit may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained.~~

i. A suitable pen, structure or enclosure to house and safeguard domestic fowl and rabbits from predators shall be provided and located no less than 10-feet from the property line.

ii. Maintenance and upkeep of domestic fowl and rabbit areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:

a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;

b. Store feed in rodent-proof containers;

c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,

d. Regularly clean and sanitize feeders and water dispensers.

~~F.G.~~ Birds. Birds kept outside of a *dwelling unit* shall be kept in an aviary or loft that meets the following standards:

i. The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird;

ii. Aviaries or lofts shall not exceed 700 square feet;

iii. The aviary is *set back* at least 10 feet from a separate owner's *property line*, and 20 feet from any *dwelling unit* on adjacent properties.

~~G.H.~~ Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

i. Any covered structure used to house or contain 4 or more small animals shall maintain a distance of not less than 10 feet 20 feet to any property line: and 20 feet from any dwelling unit on adjacent properties;

ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;

*F. New code language for rabbits and domestic fowl. Establishes maximum number of domestic fowl and minimum lot sizes, enclosure requirements, setbacks from property lines and maintenance and upkeep of domestic fowl areas.*

*H. Establishes setbacks, maintenance and upkeep of outdoors animal areas for those subsections not otherwise regulated i.e. unaltered adult cats and dogs, miniature potbelly pigs, and other small animals.*

*H.i. Smaller width lots i.e. 30 to 40 feet, will be unable to meet the 20 foot setback from the property line. Purpose of amending Keeping of Animals Code is to allow more flexibility and give residents of smaller lots the opportunity to raise small farm animals. Keep this section as amended.*



- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application
- v. Store feed in rodent-proof containers; and,
- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

~~4.1~~ Prohibited small animals. The keeping of roosters, mink, foxes and any exotic or wild animals that could pose a public threat or have an obnoxious nature which is a nuisance to the adjacent neighborhood are prohibited.

#### 5. Beekeeping.

- A. *Beehives* are limited to 2 hives on *sites* less than 10,000 square feet, 4 on *sites* between 10,000 and 20,000 square feet, 10 on *sites* between 20,000 square feet and 1 acre, 20 on *sites* between 1 and 1.5 acres, and 25 on *sites* between 1.5 and 5 acres. ~~Hives shall be located at least 25 feet from any property line, except when placed behind a 6 foot high fence, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.~~
- B. ~~Bee~~*Hives* shall be located at least 25 feet from any *property line*, except when placed behind a 6 foot high *fence*, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.
- C. Colonies shall be maintained in movable-frame hives at all times.
- D. Adequate space shall be provided in each hive to prevent overcrowding and swarming.
- E. Colonies shall be requeened following any swarming or aggressive behavior.
- F. All colonies shall be registered with the State Department of Agriculture.
- G. Abandoned colonies, diseased bees, or bees living in trees, *buildings*, or any other space except in movable-frame hives shall constitute a public nuisance, and the City shall take appropriate legal action to abate the nuisance.

#### 6. Livestock.

- A. The minimum *site* that may be used to accommodate *livestock* shall be 35,000 square feet, provided that the portion of the total *site* area available for use by the *livestock* meets the requirements of this subsection.
- B. The maximum number of *livestock* shall be as follows:

*I. For animal noise enforcement a new paragraph has been inserted in BMC 9.105.400 Noise. See Attachment*

*A. Strike out repeated language, it is same as B..*

*B. Add "Bee" to be consistent with definitions.*

*Section 6 Livestock Amendments per 11/18/15 discussion.*

- i. Horses, cattle and similar sized *livestock* animals: 1 per acre of area available for the animal's occupancy;
- ii. Llamas, donkeys, miniature horses and cattle and similar sized livestock animals: 1 per .5 acre available for the animal's use;
- iii. Sheep, full sized goats and similar sized *livestock* animals: ~~4~~ 2 per .25 acre of area available for the animal's occupancy.

i.v. Male goats shall be neutered:

~~iv.v.~~ Young of adult *livestock* on the premises that are under six months of age are excluded from the density limitations; and

~~v.vi.~~ *Livestock* densities may be increased as follows if a farm management plan, developed with the King Conservation District, is implemented and maintained: Three (3) horses, cows, or similarly sized animals, six (6) llamas, donkeys, miniature horses and cattle or similarly sized animals or fifteen (15) sheep, full sized goats or similarly sized animals per gross acre of total *site* area. The farm management plan shall incorporate best management practices for grazing and pasture management, manure management, watering and feeding area management, and *stream* corridor and *wetland* management. Such plans must include a schedule for implementation and shall be on file with the Department of Community Development. Any Indian tribe with tribal rights to protection of the fisheries habitat provided by the *site* shall have 60 days from plan submission to comment on the plan. The plan must, as a minimum, achieve 25-foot vegetated *buffers* ~~for~~ all *streams* and *wetlands* on the *site*, and assure that drainage ditches on the *site* do not channel animal waste to such *streams* or *wetlands*.

C. Critical areas. The keeping of *livestock* is subject to the review requirements for *wetland* and *stream* protection in BMC 19.40, Critical areas.

D. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of livestock areas shall meet the following standards:

i. Any *building* used to house, confine or feed *livestock* shall not be located closer than 35 feet to any boundary *property line*;

ii. Any *building* used to house, confine or feed *livestock* shall not be located closer than 35 feet to any *dwelling unit* or *accessory living quarters* on the same premises, except that a barn or stable may contain a caretaker's *accessory living quarters*;

iii. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any *dwelling unit*, *accessory living quarters* or boundary *property line*; and any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances. *Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application.*

B.vi. Corrects a typo, was "or" should be "for".

D Establishes setbacks, maintenance and upkeep of outdoor livestock areas.

iv. Provisions shall be made to ensure that animal food stored indoors or outdoors will not attract rodents or insects, and

~~iv-v.~~ *Grazing and confinement areas* may extend to the *property line*.

E. Prohibited livestock. The keeping of hogs is prohibited, with the exception of miniature potbelly pigs allowed under subsection 19.17.100.4.D.

7. Categorization of animals. In the event that animals are proposed that do not clearly fall within the categories established by this code, the *Director* shall determine an appropriate category based on that which is most similar to the animal in question. [Ord. 355 §1, 2002]

## **BMC 19.10 Definitions**

19.10.026 Animal, small – Any animal, other than *livestock* or animals considered to be predatory or wild, which are kept either inside or outside a *dwelling unit*. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. Small animals include, but are not limited to dogs, cats, rabbits, *domestic fowl*, birds, snakes, rodents, miniature goats and miniature potbellied pigs. [Ord. 355 § 1, 2002]

19.10.312 Livestock– Grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, full size goats, miniature horses, llamas, and alpacas. [Ord. 355 § 1, 2002]

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**BMC 9.105.400 Noise.**

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(1) General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

(2) Illustrative Enumeration. The following sounds are public disturbance noises in violation of this article:

(a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

(b) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(c) Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

(e) Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

(f) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

(g) The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason, provided that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

(h) Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends; provided, however, the city manager shall have the discretion to issue variances for city of Burien public works projects if the city manager determines, after considering the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public, that the noise occurring or proposed to occur does not endanger health and safety of a substantial number of persons.

(i) Sounds originating from residential property relating to temporary projects for the maintenance or repair of ~~horns~~ homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

(j) Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree. Except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under BMC Title 5 Business Licenses and Regulations, and are operated in compliance with BMC Title 19 Zoning Code.

*(j) corrects typo "horns" s/b "homes".*

*(i) Makes an "unreasonable degree" of animal noise a public disturbance noise in violation of the code. 1<sup>st</sup> offence is a civil fine of no more than \$200. 2<sup>nd</sup> & subsequent offences is a misdemeanor, see (4) below.*

(3) Exclusion. This chapter shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.

(4) Penalty. Any person who violates the provisions of this article shall be subject to a civil fine not to exceed \$250.00 for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor.

[Ord. 365 § 1, 2002; Ord. 63 § 81, 1993]

## Proposed Amendments December 9, 2015

### BMC 19.17.100 Keeping of Animals

- 19.17.100.4 Small Animals

D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*).

E. Miniature goats. The types of goats commonly known as Pygmy, Dwarf, and Miniature Goats. Two miniature goats may be kept in addition to the small animals allowed under 19.17.100.4B, on any lot provided

- i. It does not exceed 24 inches at shoulder or more than 150 pounds in weight;
- ii. Male miniature goats shall be neutered;
- iii. A minimum of 800 square feet of outdoor space with a shelter enclosure shall be devoted for goats; and shall maintain a distance of not less than 10 feet to any *property line*; and,
- iv. Nursing offspring of miniature goats may be kept until weaned, no longer than 12 weeks from birth.

E. Domestic fowl and Rabbits.... ~~On lots of at least one-half acre, domestic fowl and rabbits may be kept at the rate of 7 per one-half acre. Five (5) on lots equal to or greater than 7,200 square feet, 1 additional domestic fowl or rabbit may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained.~~

- i. A suitable pen, structure or enclosure to house and safeguard domestic fowl and rabbits from predators shall be provided and located no less than 10-feet from the property line.
- ii. Maintenance and upkeep of domestic fowl and rabbit areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:
  - a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;
  - b. Store feed in rodent-proof containers;
  - c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,
  - d. Regularly clean and sanitize feeders and water dispensers.

G. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

- i. Any covered *structure* used to house or contain 4 or more *small animals* shall maintain a distance of not less than 10 feet ~~20 feet~~ to any *property line*; and 20 feet from any dwelling unit on adjacent properties;
- ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application; and,
- v. Store feed in rodent-proof containers; and,
- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

- 19.17.100.5 Beekeeping Keeping

A. ~~Hives shall be located at least 25 feet from any property line, except when placed behind a 6 foot high fence, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.~~

B. Hives Beehives

- 19.17.100.6 Livestock

B. The maximum number of *livestock* shall be as follows:

iii. Sheep, full sized goats and similar sized *livestock* animals: 4 ~~2~~ per .25 acre of area available for the animal's occupancy.

iv.. Male goats shall be neutered;

vi. The plan must, as a minimum, achieve 25-foot vegetated *buffers* ~~for~~ for all *streams* and *wetlands* on the *site*, and assure that drainage ditches on the *site* do not channel animal waste to such *streams* or *wetlands*.

D. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of livestock areas shall meet the following standards:



- iii. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any *dwelling unit, accessory living quarters* or boundary *property line*; and any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application;
- iv. Provisions shall be made to ensure that animal food stored indoors or outdoors will not attract rodents or insects, and
- ~~iv-v.~~ Grazing and confinement areas may extend to the *property line*.

## BMC 19.10 Definitions

19.10.026 Animal, small – Any animal, other than livestock or animals considered to be predatory or wild, which are kept either inside or outside a dwelling unit. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. Small animals include, but are not limited to dogs, cats, rabbits, domestic fowl, birds, snakes, rodents, miniature goats and miniature potbellied pigs. [Ord. 355 § 1, 2002]

19.10.312 Livestock– Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, full size goats, miniature horses, llamas, and alpacas. [Ord. 355 § 1, 2002]

## BMC 9.105.400 Noise

- 9.105.400(2) Illustrative Enumeration. The following sounds are public disturbance noises in violation of this article:
  - (j) Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree. Except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under BMC Title 5 Business Licenses and Regulations, and are operated in compliance with BMC Title 19 Zoning Code.